

MESSAGE NO: 6258304 MESSAGE DATE: 09/14/2016

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: RES-Rescission

FR CITE: 78 FR 2658 FR CITE DATE: 01/14/2013

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-830

EFFECTIVE DATE: 01/14/2013 COURT CASE #: 12-345

PERIOD OF REVIEW: 10/01/2011 TO 09/30/2012

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for carbon and certain alloy steel wire rod from Mexico produced and/or exported by Deacero S.A. de C.V. for the period 10/01/2011 through 09/30/2012 (A-201-830)

1. For all shipments of carbon and certain alloy steel wire rod from Mexico produced and/or exported by Deacero S.A. de C.V. (A-201-830-006), and entered, or withdrawn from warehouse, for consumption during the period 10/01/2011 through 09/30/2012, assess antidumping duties at the cash deposit rate required at the time of entry, unless paragraph 3 is applicable.
2. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 1 occurred with publication of the notice of rescission of administrative review (78 FR 2658, 01/14/2013). Unless instructed otherwise, for all other shipments of carbon and certain alloy steel wire rod from Mexico you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.
3. On 05/27/2016, the Court of Appeals for the Federal Circuit issued its final decision with regard to Deacero S.A.de C.V. v. United States, 15-1362, 15-1363, 15-1367, April 6, 2012 (Deacero IV) in which it reversed the Court of International Trade's holding in Deacero S.A.P.I. de C.V. and Deacero USA, Inc. v. United States, Slip Op. 14-151 (December 22, 2014). In its holding, the Federal Circuit reinstated Commerce's original finding from Carbon and Certain Alloy Steel Wire Rod From Mexico: Affirmative Final Determination of Circumvention of the Antidumping Order (77 FR 59892, dated 10/01/2012) that Deacero S.A.de C.V.'s shipments of carbon and certain alloy steel wire rod with actual diameters of 4.75 mm to 5.00 mm to the United States constitute a minor alteration and thus are circumventing the order. As a result of this decision, the injunction with court number 12-345 discussed in message number 2331301, dated 11/26/2012, applicable to entries of carbon and certain alloy steel wire rod with actual diameters of 4.75 mm to 5.00 mm which were produced and/or exported by Deacero S.A. de C.V., and which were entered, or withdrawn from warehouse, for consumption on or after 06/08/2011 dissolved on 08/25/2016. Separate liquidation instructions will follow for entries of this merchandise (carbon and certain alloy steel wire rod with actual diameters of 4.75 mm to 5.00 mm produced and/or exported by Deacero S.A. de C.V.).

4. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

5. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OIII: ECB.)

7. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party